

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

ALL ACTIONS

)
) MDL No. 3047
)
) Case No. 4:22-md-03047-YGR
)
) **JOINT STATEMENT RE: THIRD**
) **PARTY PRESERVATION NOTICE**
) **ORDER**
)
) Judge: Hon. Yvonne Gonzalez Rogers
)
) Magistrate Judge: Hon. Thomas S.
Hixson

Dear Judge Hixson:

Plaintiffs and Defendants TikTok, Snap, and YouTube respectfully seek the Court's assistance to resolve a single dispute concerning a proposed Third Party Preservation Notice Order. The Parties attach the following exhibits to this Joint Statement:

- **Exhibit A** – Defendants' proposed Third Party Preservation Notice Order, with Plaintiffs' proposed edits in redline.
- **Exhibit B** – Clean version of Plaintiffs' proposed Third Party Preservation Notice Order.
- **Exhibit C** – Clean version of Defendants' proposed Third Party Preservation Notice Order.

The parties would welcome a telephonic conference to discuss the disputed issue if the Court would find it helpful.

Dated: May 23, 2023

Respectfully submitted,

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Google LLC, and Alphabet Inc.*

ATTESTATION

I, Brian M. Willen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5–1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: May 23, 2023

By: /s/ Brian M. Willen
Brian M. Willen

Pursuant to the Stipulation and Order Governing Sealing Procedures (ECF 205), the parties have emailed their Third Party Preservation Notice letter brief, which is being submitted provisionally under seal for reasons to be set forth in a forthcoming sealing motion, to the Court's deputy clerk.

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

MDL No. 3047

CASE NO.: 4:22-md-03047-YGR

Honorable Yvonne Gonzalez Rogers
Honorable Thomas S. Hixson

This Document Relates to:

ALL ACTIONS

**[PROPOSED] ORDER RE THIRD
PARTY PRESERVATION NOTICE**

This Order regarding Third-Party Preservation Notice applies in all actions currently in MDL No. 3047, *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, or hereafter added or transferred to MDL No. 3047, and all actions later sent back to their respective transferor courts (collectively, “this Litigation”).

1. To facilitate the preservation of relevant user account information, the parties have negotiated and filed with the Court an agreed-upon Plaintiff User Account Preservation Form, ECF 269-1 (“PPF”).

2. Third-Party Notice. To the extent a Plaintiff requests preservation of an account opened and used primarily by a user other than the Plaintiff User (a “Third-Party Account”) using the PPF (ECF 269-1, ¶ J), the Plaintiff User shall provide written notice to such Third-Party

1 Account holder(s) of their preservation request ~~prior to submission to a Defendant of a PPF~~
2 ~~requesting preservation of a Third-Party Account (or within 5 business days after entry of this~~
3 ~~Order, to the extent a Third-Party Account preservation request was made prior to the entry of this~~
4 ~~Order).~~ within 5 business days of serving the PPF.

5 3. Exception for Good-Faith Safety Concerns. A Plaintiff User need not provide
6 notice to a Third-Party Account holder if the Plaintiff User in good faith believes that providing
7 notice would present a safety risk to the Plaintiff or others.

8 4. Correction of Errors. To the extent a Plaintiff User discovers any errors in the
9 Third-Party Account Identifying Information provided to a Defendant in a PPF, Plaintiff shall
10 promptly notify the Defendant and provide a corrected PPF with the revised Account Identifying
11 Information.

12 **IT IS SO ORDERED.**

13
14 DATED:

MAGISTRATE JUDGE THOMAS S. HIXSON

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
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1. To facilitate the preservation of relevant user account information, the parties have negotiated and filed with the Court an agreed-upon Plaintiff User Account Preservation Form, ECF 269-1 (“PPF”).

2. Third-Party Notice. To the extent a Plaintiff requests preservation of an account opened and used primarily by a user other than the Plaintiff User (a “Third-Party Account”) using the PPF (ECF 269-1, ¶ J), the Plaintiff User shall provide written notice to such Third-Party

1 Account holder(s) of their preservation request within 5 business days of serving the PPF.

2 3. Exception for Good-Faith Safety Concerns. A Plaintiff User need not provide
3 notice to a Third-Party Account holder if the Plaintiff User in good faith believes that providing
4 notice would present a safety risk to the Plaintiff or others.

5 4. Correction of Errors. To the extent a Plaintiff User discovers any errors in the
6 Third-Party Account Identifying Information provided to a Defendant in a PPF, Plaintiff shall
7 promptly notify the Defendant and provide a corrected PPF with the revised Account Identifying
8 Information.

9 **IT IS SO ORDERED.**

10
11 DATED:

12 MAGISTRATE JUDGE THOMAS S. HIXSON
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EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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1. To facilitate the preservation of relevant user account information, the parties have negotiated and filed with the Court an agreed-upon Plaintiff User Account Preservation Form, ECF 269-1 (“PPF”).

2. Third-Party Notice. To the extent a Plaintiff requests preservation of an account opened and used primarily by a user other than the Plaintiff User (a “Third-Party Account”) using the PPF (ECF 269-1, ¶ J), the Plaintiff User shall provide written notice to such Third-Party

1 Account holder(s) of their preservation request prior to submission to a Defendant of a PPF
2 requesting preservation of a Third-Party Account (or within 5 business days after entry of this
3 Order, to the extent a Third-Party Account preservation request was made prior to the entry of this
4 Order).

5 3. Exception for Good-Faith Safety Concerns. A Plaintiff User need not provide
6 notice to a Third-Party Account holder if the Plaintiff User in good faith believes that providing
7 notice would present a safety risk to the Plaintiff or others.

8 4. Correction of Errors. To the extent a Plaintiff User discovers any errors in the
9 Third-Party Account Identifying Information provided to a Defendant in a PPF, Plaintiff shall
10 promptly notify the Defendant and provide a corrected PPF with the revised Account Identifying
11 Information.

12 **IT IS SO ORDERED.**

13
14 DATED:

MAGISTRATE JUDGE THOMAS S. HIXSON